



40 **Comments from the Public.**

41  
42 None

43  
44 **Old Business**

45  
46 None

47  
48 **New Business**

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50 *Item 1: Amendment to Article 151 of the Camden County Code of Ordinances (Design*  
51 *Standards)*

52  
53 This amendment is a reconsideration of a text amendment that was seen some time ago. This  
54 was brought back before the Planning Board to seek advice on whether to seek sending it  
55 back before the Board of Commissioners on an item by item basis, or if the Planning Board  
56 wants staff to revise it prior to submitting to the Board of Commissioners.

57  
58 With the sewer system soon to be fully operational, there are some prospects on  
59 development, from a staff standpoint. If we are going to see development along these areas,  
60 we need to take some action to get the best quality of design that we can.

61  
62 Basically, this amendment requires certain architectural standards on buildings, 25%  
63 fenestration on facades, does not allow metal buildings (except unless they have a facade on  
64 them), requires curbs and gutters on sidewalks, underground utilities, no outside display or  
65 storage of inorganic products, deals with roof pitches and design characteristics, loading and  
66 service areas to be out of view of public roads, deals with multi family areas, connectivity of  
67 the road systems, and decorative areas in the open spaces.

68  
69 Dan Porter stated that if we were to stray beyond CC and NCD districts and look at  
70 development along corridors, we might want to look at some additional requirements in  
71 regards to access to the back lots, such as an easement to get to the areas further back.

72  
73 Mr. Porter pointed out that the commissioners are having a retreat on February 21, 2008, and  
74 that they may want to consider making this one of their agenda items for that retreat.

75  
76 Rodney Needham had a concern with item 1-b under the commercial district section, on line  
77 70 of the proposed changes to this ordinance. This line reads "There shall be a minimum of  
78 two accesses to a public road (on a project by project basis)". Mr. Needham's concern is that  
79 it sounds to 'iffy' with it reading 'on a project by project basis'. He pointed out that it sounds  
80 like the change means "you may not have to do what the ordinance says" because it is on a  
81 "project by project basis". Mr. Needham voiced a desire to have this language re-written to  
82 be a little bit stronger.

83  
84 Dave Parks responded to Mr. Needham's concern, saying that it has to do with the lot sizes.  
85 Dan Porter added to what Mr. Parks said, by commenting that some lot sizes are so small that  
86 2 accesses might be a burden.

87 There was discussion about adding language that would indicate requirements based on lot  
88 size, something like "Adequate Access to Facilitate Traffic Flow". Ingress and Egress seem  
89 to be the important issue here.

90  
91 Chairman James Burnham questioned item 2-a, on line 144, regarding manufactured and  
92 mobile units. He inquired if this meant that there could be none at all in the NCD district.  
93 Dan Porter responded that was correct. Dave Parks added that there can be manufactured  
94 and mobile units in the NCD district only on a temporary basis, during construction phases  
95 only. These types of structures can not be left after the conclusion of the construction phase.

96  
97 Rodney Needham questioned item 1-a under the multi family use section, line 110. He  
98 questioned the use of the word 'portion', he wanted to know what the percent of the  
99 development that multi family dwellings can be in this type of zone. The consensus was that  
100 the use of the word portion meant that the percent of development of multi family dwellings  
101 cannot exceed is 50%. This is a commercial use district (NCD) that allows residential, not  
102 vice versa. Residential development should not exceed 50% over the commercial  
103 development.

104  
105 Action taken on this item: Staff to review, revise, and bring back to the Planning Board at a  
106 future meeting.

107  
108  
109 Item 2: Amendment to Article 151 and Article 153 of the Camden County Code of  
110 Ordinances (Exemptions)

111  
112 This amendment deals with amending the ordinances to include under exemptions,  
113 grandparent to grandchild and vice versa.

114  
115 This affects article 151, land use subdivision ordinance, and article 153, adequate facilities  
116 ordinance. A public hearing was scheduled for and held on January 22, 2008 on this issue.  
117 Staff recommended taking this to the Planning Board to get a recommendation on this  
118 modification.

119  
120 Parent to child exemptions were an item of debate when the adequate facilities ordinance was  
121 adopted in April 2007. Grandparent to grandchild was talked about then. Now, the Board of  
122 Commissioners want to look at including Grandparent to grandchild and vice versa in the  
123 exemptions to the adequate facilities ordinance.

124  
125 Staff feels that this raises the question of 'where is this (the exemptions) going to stop'. One  
126 concern is that if more exemptions are added, "how long will it be before someone wants a  
127 'brother to sister' exemption?"

128  
129 Also, the adequate facilities ordinance was established / adopted to provide some source of  
130 revenues for the schools. If the exemptions are expanded, it raises the question of whether  
131 the ordinance is strong enough to uphold a court case with out the possibility of  
132 discrimination becoming an issue.

133 Dan Porter, Director of the Planning Department, feels that any exemption, whether it be  
134 parent to child or grandparent to grandchild, are discriminatory and sets aside a class of  
135 people. He stated:

136  
137 "If you cut out a lot, and it has a family in it, you have to provide public  
138 safety, water, and all the normal services to that lot, whether it's a family  
139 that has been here for a hundred years or whether it's a family that moved  
140 in here from Virginia in the last six months. Same thing goes for the  
141 adequate facilities ordinance, if there's a family in there that's producing a  
142 child, that child has to have a seat (at the public schools), it doesn't matter  
143 who's name, what last name they might have, its still a requirement that  
144 the county provide services to it, so to exempt them from the requirements  
145 sets apart a certain class of people. I'm not going to recommend revising it  
146 to take away the exemption, but I don't think we ought to increase the  
147 number of exemptions in that category."  
148

149 Dave Parks commented that the ordinance was adopted, debated at the time of adoption, and  
150 was decided, and it should be left alone, not modified when the commissioners receive a  
151 request or complaint that compels them to seek modifications.  
152

153 Dan Porter said that the flip side of this story is that a lot of grandparents are raising their  
154 grandchildren because the parents are otherwise not present, but it still comes down to where  
155 to draw the line on modifications to this ordinance.  
156

157 Dave Parks asked what proof of relationship would be required if this passes. Right now, on  
158 the parent to child exemption, all that is required is a birth certificate to establish parentage.  
159

160 Dave Parks commented that he feels we may get sued for the adequate facilities ordinance  
161 because there are developers out there who have subdivisions that were approved prior to the  
162 adoption of the adequate facilities ordinance and the approval of that subdivision was saying  
163 there was school capacity for their subdivision. So, his feeling is that this is going to be  
164 contested, so the question becomes, do you want to make the ordinance weaker or keep it as  
165 is the way it was adopted and see if it will be upheld.  
166

167 Dan Porter mentioned what Pasquotank County is doing to discourage/stop abuse of land  
168 transfers as a way to avoid impact fees. Pasquotank requires a 10 year ownership history of  
169 the land, and then a 10 year retaining requirement before selling the land is allowed. If the  
170 land is sold prior to either of these conditions being met, then it is subject to adequate  
171 facilities type ordinances, which include public schools and associated impact fees.  
172

173 Terri Griffin asked about the possibility of a one time family transfer and broaden the AFO  
174 that way, because there are court created families like legal guardianships, which otherwise  
175 do not qualify for the exemption because they are not a parent, this is a grey area. She went  
176 on to say that this issue didn't come up until the issue with the years (years of ownership  
177 history before selling) was dealt with. Often the grandparent would give land to the parent  
178 who would then give it to the child. Often, the land is originating from the grandparent, the  
179 person who owned the property for the longest time.

180 In Ms. Griffin's view, the Planning Board created an issue when they increased the required  
181 number of years of ownership prior to being allowed to be exempt to this ordinance on  
182 transfers. Ms. Griffin further stated "I think the public in small rural counties want some  
183 protections in place where people that have land in a county for a long period of time and  
184 want to try to maintain familiar ties to the area by granting property to their family members,  
185 their children, children's children, and all. There does seem to be a public desire to have that  
186 in place."

187  
188 Dave Parks responded to Ms. Griffin by saying "The legal issue is, is the adequate facilities  
189 ordinance going to be upheld with all these exemptions? Is it going to be justified in court  
190 saying that it is not discriminatory? That's a leading question that would probably need to be  
191 answered by the attorneys".

192  
193 Rodney Needham spoke about the natural progression of events in this county with regard to  
194 land transfers within families. He voiced his opinion that he doesn't see any problem with  
195 exempting property passed from Grandparent to Grandchild.

196  
197 Dave Parks countered: "If this passes, you're opening up the door to someone being able to  
198 obtain 20+ acres and gifting it to their kids, and grandkids, and this creates a subdivision -  
199 one that would be exempt from the adequate facilities ordinance."

200  
201 Terri Griffin responded to this, saying that if it passes, a perpetuation of family will be  
202 preserved by the passage of property from people who have been born and raised here.

203  
204 Dave Parks responded to Ms. Griffin saying that if it is strictly for those who have been born  
205 and raised here and are the ones who have owned the property for a long time, then the  
206 requirements regarding the number of years of ownership history should be raised to where  
207 ownership history must be at least 10 years and retention prior to selling the land should also  
208 be 10 years.

209  
210 Ray Albertson asked what kind of time frame would stop people from abusing the  
211 exemption, 5 or 10 years. Dan Porter responded that the 5 year requirement seems to be  
212 doing a pretty good job of stopping the abuse.

213  
214 Calvin Leary pointed out that the 10 year question had come up previously and one of the  
215 Board of Commissioner's members didn't like it, that they thought it was too long. Dan  
216 Porter pointed out that several other communities have already gone to a 10 year  
217 requirement, Suffolk, Pasquotank, Currituck, etc.

218  
219 Dave Parks again referred to the AFO, saying that the major issue is the AFO. The AFO is  
220 going to be contested at some point. At some point, the Board of Commissioners will be  
221 hearing from the developers, and those developers will be saying things like 'my subdivision  
222 was approved at the time before you adopted the ordinance and the subdivision approval  
223 process is saying you had adequacy at your schools when you approved it, so why am I  
224 susceptible to this advancement of capacity fee?'. Also, individual landowners will be saying  
225 things like 'I have lived here all my life, why do I have to pay this?' Mr. Parks fears that the  
226 county may be sued by developers and individual landowners for this reason.

Dave Parks continued, saying that this is why the Planning Department has been telling people that if they want to build a house, modular home, or put a manufactured residence in place, that they need to come in and get their building permit before April 2, 2008 or they will be subject to the AFO.

Terri Griffin commented that if the ordinance is contested, it will be contested in court, it will go through and be decided in the legal systems, it won't be the decision of the Planning Board. Ms. Griffin went on to say "I understand where you are coming from because you guys (Planning Staff) are the ones having to manage this and having to face the issues, but in my conscience, as a person who has grown up in the community and thinking I know what a lot of the people in this community want, my motion is to add the Grandparent clause to this because in my heart I believe that is what a lot of the people would want in this community. I don't do this lightly, and I do it knowing the issues that you all are bringing here."

Dave Parks again asked "If this gets adopted, what happens next month when the brother or sister comes in (wanting to be exempt)?"

Terri Griffin responded to Mr. Parks saying "Then say: 'your board chose to stop it at grandparents'. If they have a problem with that, they can take it to the Board of Commissioners where they need to take it and the Board of Commissioners will have to make a decision."

Chairman James Burnham reminded the Planning Board members that the motion had been made, and needed a second. To recap, Terri Griffin made the motion to approve the changes to the ordinances as written. Mike Etheridge seconded the motion. After seconding the motion, Mike Etheridge made the following comment: "there are a lot of children that when they come of age, won't be able to build a house unless a grandparent gives them a piece of land to do it." After the motion was made and seconded, a vote was taken. The motion was approved with Chairman James Burnham, Vice Chairman Rodney Needham, members Terri Griffin, Ray Albertson, Calvin Leary and Michael Etheridge voting aye; none voting no; 1 absent; none not voting.

#### **Information from Board and Staff**

The following were presented to the Planning Board for their information:

Building Permit Statistics from 1-1-1999 through 12-31-2007

Land Use Consistency Statement

W-4 Forms, from the Personnel Department, to be filled out and returned

Chairman James Burnham expressed his appreciation to the board for the opportunity to serve Camden County. The board also expressed to him, their appreciation for a job well done.

Dave Parks mentioned that nominations for Chairman will be opened at next month's meeting.

274 **Consider Date of Next Meeting – February 20, 2008**

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276  
277 **Adjournment**

278  
279 At 8:15 PM, Vice Chairman Rodney Needham made a motion to adjourn the meeting. Ray  
280 Albertson seconded the motion. The motion was approved with Chairman James Burnham,  
281 Vice Chairman Rodney Needham, members Terri Griffin, Ray Albertson, Calvin Leary and  
282 Michael Etheridge voting aye; none voting no; 1 absent; none not voting.  
283

284  
285 Date: \_\_\_\_\_

286  
287  
288 Approved: \_\_\_\_\_

289  
290 Chairman: [\_\_\_\_\_]

291  
292  
293 Attested: \_\_\_\_\_

294 Amy Barnett, Planning Clerk